IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 12551 of 2004

Between:

Medapati Buli Satti Reddy, s/o Satti Reddy,
R/o Yerrampalem Village, Rampachodavaram mandal, E.G.District.

..... PETITIONER

AND

1 The Settlement Officer, Anakapalli, Visakhapatnam District.
2 The Special Deputy Collector (TW), Rampachodavaram, East Godavari

District.
3 The Special Deputy Tahasildar (TW), Rampachodavaram, East

Godavari District.
4 Sharapu Jogi Dora S/o Bapanna Dora r/o K. Yerrampalem,
Folkspeta P.O, via G. Kothapalli,Rampachodavaram(M) E.G.Dist.
R4 is impleaded as per C.O. dt. 23.9.04 in WPMP No. 17880 of 2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings initiated by the 2nd respondent under A.P.Scheduled Areas Land Transfer Regulation 1959 as amended by Regulation 1/70 in L.T.R.P.No.130 of 2003 as illegal, arbitrary and contrary to the decisions of this Hon'ble Court reported in 1983 (2) APLJ Page 96 and 1984 (2) ALT 354 and consequently direct the 2nd respondent not to proceed further in L.T.R.P.No.130 of 2003 in the interest of justice.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: MR.K.BALAGOPAL

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12551 OF 2004

ORDER:

The petitioner assails the notice in Form-E issued by the second respondent calling upon the petitioner to represent his case with all material evidence in relation to allegation that the transfer of immoveable property in his favour contravenes Section 3 of A.P.Scheduled Areas Land Transfer Regulation, 1 of 1959 as amended by Regulation 1 of 1970. The petitioner assails the same on the ground that after conducting due enquiry, the first respondent issued a patta under A.P.Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969 and therefore the petitioner acquired absolute right to the property and any further probe under Regulations would be without jurisdiction. This Court while admitting the writ petition stayed further proceedings in W.P.M.P.No.15971 of 2004 dated 20.07.2004. The respondents 1 to 3 as well as 5th respondent have filed applications for vacating interim order. As the petitioner essentially challenged the show cause notice, the matter is being disposed of at interlocutory stage.

It is now axiomatic that no writ petition would lie against the show cause notice. Even if the person asserts that the authority issuing show cause notice lacks jurisdiction, such question can be raised before such authority and on that ground the writ petition would not lie (See **Special Director v Mohd.Ghulam Ghouse**). Therefore, this Court is not inclined to go into merits of the case. Though the learned Government Pleader for Social Welfare and the learned counsel for the fifth respondent, Sri K.Bala Gopal, placing reliance on the judgment of this Court in **G.Nagabhushanamma v Government of A.P.,** contend that the Regulation of 1959 overrides Ryotwari Settlement Regulation and therefore it was competent for the second respondent to issue impugned show cause notice. This matter has to be decided by the second respondent himself.

The writ petition, for the above reasons, is disposed of giving liberty to the petitioner to file appropriate explanation within a period of one week from the date of receipt of this order. As and when the same is filed, the second respondent shall consider the contentions of the petitioner and other evidence that may be produced in accordance with law and pass appropriate orders. Such order may be passed within

a period of eight weeks from the date of submission of the explanation by the petitioner. Till the matter is disposed of by the second respondent, if the petitioner is still in possession of the land as on today, there shall be *status quo*.

The writ petition, with the above observations, is accordingly disposed of.

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(V.V.S.RAO,J)

21.06.2005.

pln

To

1 The Settlement Officer, Anakapalli, Visakhapatnam District.
2 The Special Deputy Collector (TW), Rampachodavaram, East Godavari

District.
3 The Special Deputy Tahasildar (TW), Rampachodavaram, East

Godavari District.
4 Two CCs to Government Pleader for Social Welfare, High Court

Buildings, Hyderabad (OUT).

5 1 CC to MR.Venkatesh.

6 1 CC to MR.Balagopal.

7 2CD copies.